

Student Handout #1

AR 600-20, Army Command Policy, dated 2005

Synopsis of Army Policy on Sexual Assault

Paragraph 8-1. Purpose

The Sexual Assault Prevention and Response Program reinforces the Army's commitment to eliminate incidents of sexual assault through a comprehensive policy that centers on awareness and prevention, training and education, victim advocacy, response, reporting, and follow-up. Army policy promotes sensitive care and confidential reporting for victims of sexual assault and accountability for those who commit these crimes. For the purposes of this policy, confidentiality or confidential reporting is defined as allowing a Soldier to report a sexual assault to specified individuals. This reporting option gives the Soldier access to medical care, counseling, and victim advocacy, without initiating the investigative process.

Paragraph 8-2. Sexual Assault Policy

- a. Sexual assault is a criminal offense that has no place in the Army. It degrades mission readiness by devastating the Army's ability to work effectively as a team. Every Soldier who is aware of sexual assault, should immediately (within 24 hours) report incidents of sexual assault. It is incompatible with the Army values and is punishable under the Uniform Code of Military Justice (UCMJ) and other federal and local civilian laws.
- b. The Army will use training, education, and awareness to minimize sexual assault; to promote the sensitive handling of victims of sexual assault; to offer victim assistance and counseling; to hold those who commit sexual assault offenses accountable; to provide confidential avenues for reporting and to reinforce a commitment to Army Values.
- c. The Army will treat all victims of sexual assault with dignity, fairness, and respect.
- d. The Army will treat every reported sexual assault incident seriously by following proper guidelines. The information and circumstances of the allegations will be disclosed on a need to know basis only.
- e. This policy applies-
 - (1) Both on and off post and during duty and non-duty hours.
 - (2) To working, living, and recreational environments (including both on and off post housing).

Paragraph 8-3. Victim Advocacy Program

Victim's use of advocacy services is optional; however, commanders must ensure that victims have access to a well-coordinated, highly responsive sexual assault victim advocacy program that is available 24 hours per day/7 days per week both in garrison and in a deployed environment.

- a. There are three echelons of sexual assault victim advocates in the Army's program in garrison.
 - (1) The Installation Sexual Assault Response Coordinator (SARC) is responsible for coordinating the local implementation of the program.
 - (2) Victim advocates work directly with the Installation SARC, victims of sexual assault, unit victim advocates, and other installation response agencies.
 - (3) Unit Victim Advocates (UVA) are Soldiers who are trained to provide limited victim advocacy as a collateral duty.

- b. In a deployed environment, there are two echelons of victim advocates.
 - (1) Deployable Sexual Assault Response Coordinators (SARC) are Soldiers trained and responsible for coordinating the sexual assault prevention and response program as a collateral duty in a specified area of a deployed theater. There is one deployable SARC at each brigade/unit of action and higher echelon.
 - (2) Unit Victim Advocates (UVA) are Soldiers trained to provide victim advocacy as a collateral duty. There are two UVAs for each battalion sized unit.

Paragraph 8-4. Definitions. For the purpose of this policy-

- a. **Sexual assault.** Sexual Assault is a crime. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat or abuse of authority or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of victim. "Consent" shall not be deemed or construed to mean the failure by the victim to offer physical resistance. Consent is not given when a person uses force, threat of force, coercion or when the victim is asleep, incapacitated, or unconscious.
- b. **Other sex-related offenses.** Other sex-related offenses are defined as all other sexual acts or acts in violation of the Uniform Code of Military Justice that do not meet the above definition of sexual assault, or the definition of sexual harassment as promulgated in DoD Directive 1350.2, Department of Defense Military Equal Opportunity. Examples of other sex-related offenses could include indecent acts with another and adultery. For the specific articles of sexual assault offenses under the Uniform Code of Military Justice (UCMJ), see the Manual for Courts-Martial (MCM).
- c. **Restricted reporting.** Restricted reporting allows a Soldier who is a sexual assault victim, on a confidential basis, to disclose the details of his/her assault to specifically identified individuals and receive medical treatment and counseling, without triggering the official investigative process. Soldiers who are sexually assaulted and desire restricted reporting under this policy should report the assault to the Sexual Assault Response Coordinator (SARC), Victim Advocate, chaplain or a healthcare provider.
- d. **Unrestricted reporting.** Unrestricted reporting allows a Soldier who is sexually assaulted and desires medical treatment, counseling, and an official investigation of his/her allegation to use current reporting channels (e.g., chain of command, law enforcement, or he/she may report the incident to the SARC or the on-call victim advocate). Upon notification of a reported sexual assault, the SARC will immediately notify a Victim Advocate. Additionally, with the victim's consent, the healthcare provider shall conduct a forensic examination, which may include the collection of evidence. Details regarding the incident will be limited to only those personnel who have a legitimate need to know. See Appendix I for a detailed explanation of restricted and unrestricted reporting.